

1 MELINDA HAAG (CABN 132612)
United States Attorney

2 MIRANDA KANE (CABN 150630)
3 Chief, Criminal Division

4 W.S. WILSON LEUNG (CABN 190939)
Assistant United States Attorneys

5 450 Golden Gate Avenue, Box 36055
6 San Francisco, California 94102
Telephone: (415) 436-6758
7 Facsimile: (415) 436-6753
E-Mail: wilson.leung@usdoj.gov

8 Attorneys for the United States of America
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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 UNITED STATES OF AMERICA)	No. 4-12-MJ-70425-MAG
)	
15 v.)	
)	STIPULATION AND ORDER
16 DONALD MILLS,)	DOCUMENTING WAIVER
)	
17 Defendant.)	
)	
18 _____)	

19 With the agreement of the parties, and with the consent of the defendant, the Court enters
20 this order vacating the preliminary hearing date of May 23, 2012, setting a new preliminary
21 hearing date for June 6, 2012, at 9:30 a.m., before the duty magistrate judge, extending the time
22 for the preliminary hearing under Federal Rule of Criminal Procedure 5.1, and excluding time
23 under the Speedy Trial Act to June 6, 2012. The parties agree and stipulate, and the Court finds
24 and holds, as follows:

25 1. The defendant, Donald Mills, was charged in a complaint dated April 17, 2012,
26 with one count of conspiring to distribute heroin, in violation of 21 U.S.C. § 846, one count of
27 distribution of heroin, in violation of 21 U.S.C. § 841(a)(1), and being a felon in possession of a
28 firearm, in violation of 18 U.S.C. § 922(g). Mills was arrested and subsequently presented to the

1 Court on or about April 23, 2012. John Paul Reichmuth, Esq., was appointed to represent Mills.
2 Mills was ordered detained pending trial.

3 2. On May 4, 2012, due to a conflict, Mr. Reichmuth withdrew as counsel and
4 Suzanne M. Morris, Esq., was appointed to represent Mills. Since Ms. Mills's appointment, the
5 parties have been trying to resolve this matter prior to the filing of indictment. These
6 discussions, however, especially in light of Ms. Morris's recent appearance in this case, will
7 require more time than the presently-scheduled May 23, 2012 preliminary hearing allows.
8 Accordingly, the parties respectfully requests that the May 23, 2012 preliminary hearing be
9 continued until June 6, 2012.

10 3. Taking into the account the public interest in the prompt disposition of criminal
11 cases, the above-stated ground is good cause for extending the time limit for a preliminary
12 hearing under Federal Rule of Criminal Procedure 5.1, for the filing period for an indictment,
13 and for excluding time under the Speedy Trial Act. Failure to grant the continuance would deny
14 the defense time for effective preparation and representation by seeking disposition of this matter
15 prior to indictment on agreed-upon terms.

16 4. Accordingly, with the consent of the defendant, the Court hereby: (a) vacates the
17 May 23, 2012 preliminary hearing date and extends the time for a preliminary hearing until June
18 6, 2012, before the duty magistrate judge, at 9:30 a.m.; and (b) orders that the period from today
19 until June 6, 2012 be excluded from the time period for preliminary hearings under Federal Rule
20 of Criminal Procedure 5.1 and from Speedy Trial Act calculations under 18 U.S.C. § 3161.

21 SO STIPULATED:
22

23 DATED: May 21, 2012

/s/

SUZANNE M. MORRIS, ESQ.
Attorney for DONALD MILLS

26 DATED: May 21, 2012

/s/

W.S. WILSON LEUNG
Assistant United States Attorney

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1
2 IT IS SO ORDERED.

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4 DATED: May 21, 2012


HON. DONNA M. RYU
United States Magistrate Judge